



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2403584
Applicant Name : Paul Pierce
Address of Proposal: 1812 23rd Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three (3) lots (Unit Lot Subdivision). Proposed lot sizes are: A) 1,172.8 square feet, B) 840.7 square feet; and C) 2,277.5 square feet. Related project: establish use and construct three (3) ground related structures, MUP No. 2302995

The following approval is required:

Short Subdivision - to subdivide one existing parcel into three lots, a unit subdivision.
(Chapter 23.24.046, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND

Site and Vicinity Description

The approximately 4,291 square foot property is located on the east side of 23rd Avenue south of its intersection with East Madison Street. Pedestrian access is from both 23rd Avenue and the north to south alley to the east of the site. Vehicular access is from the alley.

The subject lot is split zoned Lowrise 2 (L2) and Lowrise 3 (L3). The majority of the site is in the L3 zone. Approximately the rear fifth of the lot, that portion that provides parking and vehicular access is zoned L 2. The lots on the east side of 23rd Avenue on this block are similarly split zoned. The lots on the west side of 23rd Avenue are zoned Neighborhood Commercial 3 (NC 3).

Proposal

The proposal is to subdivide one lot into three (3) unit lots. The parent lot is 4,291 square feet in area. The proposed lot sizes are: A) 1,172.8 square feet, B) 840.7 square feet; and C) 2,277.5 square feet. Vehicle access for all proposed unit lots will be from the alley. Pedestrian access for all proposed units lots will be from both the alley and 23rd Avenue. A joint pedestrian access easement is provided and will extend from 23rd Avenue along the south side of all proposed unit lots. Egress and access easements are provided on proposed Unit Lot C for vehicle access and parking for all units. The new structures on all proposed unit lots have been reviewed and approved for applicable code compliance under MUP No. 2302995.

Public Comments

The comment period for this proposal ended on June 23, 2004. No comment letters were received.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities, City Light; and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is split-zoned Multi-Family Lowrise 2 and 3 (L-2 and L-3) and all development must conform to the requirements of the applicable provisions of the Seattle Municipal Code (SMC). These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. The establishment of use for the structures and their construction was reviewed under these provisions and approved under MUP No.2402995.

The allowable density of the L-3 portion of the subject property, where the three units are, is one dwelling unit per eight hundred (800) square feet of lot area. The area of the L3 portion of the lot is approximately 3,600 square feet, hence five (5) units are allowed. Maximum lot coverage is forty five (45) percent for these types of units (SMC 23.45.010.A.1). Total lot coverage of the structures were reviewed for conformance with this requirement and approved under MUP No. 2402995. Required parking for all units is provided on proposed Lot C and is accessed from the north to south alley abutting the property. Pedestrian access to all units is as described in *Site and Vicinity Description* above. Building set-backs, height limitations, and the provision of open space were reviewed for conformance to the development codes for this zone and were approved under the above-mentioned MUP.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for all units is provided as described in *Criterion 1* above.

All utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250428-3-025) to provide for electrical facilities and service to the proposed lots, which must be included on the final plat. (Attachment A)

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access.

All proposed Unit Lots will be addressed from 23rd Avenue. To assure adequate address identification of proposed Unit Lots B and C, address signage for these Unit Lots shall be posted at a location visible from 23rd Avenue SW on or near the proposed pedestrian access easement. A covenant or easement shall be recorded with the final plat to ensure that the address signage is maintained by all users.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates these services are adequately provided for this unit lot subdivision.

Seattle Public Utilities has reviewed this proposal and assures water availability access for all parcels. A minimum five (5) foot easement for access is required for proposed Unit Lots B and C across proposed Unit Lot A. Unit Lot A can obtain access directly from the right of way (See Water Availability Certificate # 20040830).

4. *Whether the public use and interests are served by permitting the proposed division of land;*

Unit Lot Subdivision allows for the subdivision of detached ground related townhouse structures and residential cluster developments amongst other housing types. Ground related structures are allowed outright in the L-3 zone. This process therefore makes possible separate ownership of individual units that otherwise would be owned by one party and consequently some or all unit lots would be available on a shared ownership or rental basis only.

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code for L 2 and 3 development regulations and the applicable approval criteria for short platting.

The public use and interests are thereby served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240, therefore this criterion does not apply.

6. *Is designed to maximize the retention of existing trees;*

There are no existing trees on the lot.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Three residential structures approved under MUP 2402995. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards at the time of approval. To assure that future owners have constructive notice that additional development may be limited due to nonconformities the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots.*

Additional development on any individual unit lot in this subdivision may be limited because of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.

Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040 and 045, Short Plats and Unit Lot Subdivisions. Pursuant to the above discussion and the following conditions, it is thereby approved.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Submit the corrected final recording forms for approval and any necessary fees.
2. Correct the legal descriptions of the existing lot and proposed lots and plat to reconcile the variously given dimensions of 34.38 and 35.85 feet for the southern property line of the south half of the west XX feet of Lot 17, Block 52 Yesler's 2nd Addition to Seattle Supplemental.
3. In "Survey Notes", Sheet 3 of 4, insert the date of monument visit.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Include the attached utility easement from Seattle City Light on the face of the plat and in the legal descriptions of effected Unit Lots.
6. Include the utility easement on the face of the plat as described in Water Availability Certificate 20040830 and in the legal descriptions of effected Unit Lots.

7. Provide a covenant or easement assuring the posting of address signage for Unit Lots B and C on or near the pedestrian access easement shown on the face of the plat or other convenient and appropriate location visible from 23rd Avenue.
8. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and integrated building elements, such as roofs, exterior walls and shared private utility infrastructure.

Signature: _____ (signature on file) Date: October 11, 2004

Art Pederson, Land Use Planner
Department of Planning and Development
Land Use Services

AP:bg

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Attachment A: Seattle City Light Easement #250428-3-025